

**CITY OF WOBURN
NOVEMBER 14, 2006 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Ciriello	Gately
Denaro	Galvin
Drapeau	Gonsalves
Dwyer	Mercer-Bruen
Doherty	

VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE.

MAYOR'S COMMUNICATIONS:

ORDERED That the sum of \$57,000.00 be and is hereby appropriated as so stated from Overlay Reserve Acct#01-322000 \$57,000.00 to DPW Acct#0112158-586571 \$57,000.00 – Purpose: Purchase a compact hydraulic excavator.

I hereby approve the above: s/Thomas L. McLaughlin, Mayor
I hereby recommend the above: s/F.W. Russell, Superintendent D.P.W.
I have reviewed the above: s/Gerald W. Surette, City Auditor

s/Alderman _____

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE.

ORDERED Be it ordained by the City Council of the City of Woburn that the 1989 Woburn Municipal Code, as amended, be further amended in Title 3, Article VI, Section 3-26 as follows:

VI. Water and Sewer Enterprise Fund

3-26 The allocation of Indirect Costs to each department in the annual budget of the City of Woburn Water and Sewer Enterprise Fund shall be as follows:

City Council2.50%

Mayor.....	5.00%
City Auditor	7.50%
Purchasing Agent.....	7.50%
Assessors.....	1.00%
City Treasurer/Collector	12.50%
City Solicitor.....	7.50%
Data Processing.....	5.00%
City Clerk.....	1.00%
Human Resources	5.00%
Conservation	5.00%
Planning	5.00%
City Engineer	40.00%
DPW Administration Salary	40.00%
DPW Building Salary	10.00%
DPW Highway Salary.....	20.00%
DPW Overtime.....	20.00%
DPW Administration Maint.....	25.00%
DPW City Hall Maint.	10.00%
DPW Vehicle Insurance.....	30.00%
DPW Surface Drainage.....	20.00%
DPW Street Maint.....	20.00%
DPW Snow Removal	20.00%
DPW Traffic Control	20.00%
DPW Street Lighting.....	5.00%
DPW Repair & Resurface.....	20.00%
DPW Sidewalk Repair	20.00%
DPW City Garage	20.00%
DPW Telephone.....	20.00%
DPW Gas & Oil	20.00%
DPW Vehicle Maint.....	25.00%
DPW Public Buildings Maint.	20.00%
DPW Outlays	20.00%
Board of Health.....	5.00%
Unemployment Compensation.....	1.50%
Health Insurance	3.10%
Worker's Compensation	1.50%
Retirement.....	1.50%
Non-Contributory Retirement.....	1.50%
Medicare	1.50%

s/Alderman _____

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON ORDINANCES.

ORDERED That the City of Woburn hereby adopts Chapter 59, Section 5L of the Massachusetts General Laws "Deferral of taxes due by member of the Massachusetts National Guard or reservist on active duty outside of commonwealth".

s/Alderman _____

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE.

PUBLIC HEARINGS:

On the petition by Omnipoint Communications, Inc., a wholly owned subsidiary of T-Mobile USA, Inc., c/o Brian S. Grossman, Esq., Prince Lobel Glovsky and Tye, LLP, 100 Cambridge Street, Suite 2200, Boston, Massachusetts 02114 for a special permit to install and operate a wireless communications link consisting of three (3) wireless communications antenna flush-mounted to an existing Boston Edison Company wood utility transmission structure #14 with the accessory radio equipment placed in an area adjacent to the structure within a fenced compound at 145 Lexington Street. PUBLIC HEARING OPENED. A communication dated October 24, 2006 was received from Attorney Brian S. Grossman as follows:

Re: Application for Special Permit – 145 Lexington Street – Omnipoint Communications, Inc., a wholly owned subsidiary of T-Mobile USA, Inc.

Dear Honorable Members of the City Council:

This office represents the Applicant in connection with the Application for Special Permit before the City of Woburn City Council (the "Council"). In connection with this matter, the City Council is scheduled to hold a public hearing on November 14, 2006. The Applicant is working with the City of Woburn Planning Board (the "Planning Board"), in it advisory capacity to the City Council, to address its questions concerning the Applicant's authority to utilize the proposed access to the Property. The Applicant is scheduled to meet with the Planning board at its meeting on Tuesday, November 28, 2006. Accordingly, the Applicant respectfully requests that the City Council's public hearing be continued to the City Council's regularly scheduled meeting, which we understand will take place on January 2, 2007 at 7:30 p.m.

Based on this request, we understand that the Applicant's representatives need not appear at the City Council's November 14th hearing. Please contact me immediately if a representative will be required to attend.

Please do not hesitate to contact me if you have any questions or concerns.

Thank you for your cooperation in this matter.

Very truly yours, s/Brian S. Grossman

IN FAVOR: None. OPPOSED: None.

On the petition by Anthony J. Giunta, Jr., 188 Ridge Lane, Apt 311, Waltham, Massachusetts 02452 for a special permit pursuant to Section 5.1.44 of the 1985 Woburn Zoning Ordinances, as amended, to allow an auto repair/custom exhaust facility at 315 New Boston Street. PUBLIC HEARING OPENED. A communication dated October 31, 2006 was received from Edmund P. Tarallo, Planning Director as follows:

Re: Anthony Giunta, Jr. – 315 New Boston St. – To allow for an auto repair/custom exhaust facility

Dear Mr. Campbell and Members of the City Council:

At the October 24, 2006 Planning Board meeting the board unanimously voted to send an unfavorable recommendation to the City Council because not enough information has been provided to support the Special Permit request for 315 New Boston Street to allow for an auto repair/custom exhaust facility.

If Council members have any questions or concerns regarding the above recommendations, please feel free to contact me.

Sincerely, s/Edmund P. Tarallo, Planning Director

On the petition by Richard Lichoulas, 5 Tory Row, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.15 and Section 11 of the 1985 Woburn Zoning Code, as amended, in order to construct an accessory detached garage at 5 Tory Row . PUBLIC HEARING OPENED. A copy of a communication dated October 2, 2006 from Brett F. Gonsalves, Senior Engineer, Engineering Department to Edmund Tarallo, Planning Director was received as follows:

Subject: 5 Tory Row – Detached Garage Special Permit – Special Permit Application
September 11, 2006 – Plans Dated April 6, 2005

This office has reviewed the special permit application for the above referenced location and takes no exception to the special Permit and plans as submitted.

If you or the board have any questions concerning, this information, do not hesitate to contact this office.

A communication dated October 16, 2006 was received from Edmund P. Tarallo, Planning Director as follows:

Re: Richard Lichoulas – 5 Tory Row – To construct accessory detached garage

Dear Mr. Campbell and Members of the City Council:

At the meeting held on October 3, 2006, the Planning Board voted to forward a favorable recommendation to the City Council regarding the application of Richard Lichoulas to allow the construction of a detached garage at 5 Tory Row.

If members of the City Council have any questions or concerns regarding the foregoing recommendation, please free to contact me.

Sincerely, s/Edmund P. Tarallo, Planning Director

On the petition by Joseph A. Pecora, Pecora Contracting Co., Inc., 25 Murray Road, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.57b of the 1985 Woburn Municipal Code, as amended, for accessory outside parking of commercial motor vehicle's or contractor's equipment in conjunction with the petitioner's contracting business and office in Unit #6 at 5 Crescent Avenue. PUBLIC HEARING OPENED. A copy of a communication from Brett F. Gonsalves, Senior Engineer, Engineering Department to Edmund P. Tarallo, Planning Director was received as follows:

Subject: 5 Crescent Avenue, Unit 6 – Special Permit – Special Permit Application Dated 9/22/06 – Revised Plans Dated 4/27/06

This office has reviewed the special permit application for the above referenced location and offers the following comments.

The petitioner is seeking a special permit for accessory outside parking of commercial motor vehicles or contractor's equipment. The permit does not indicate that amount of spaces sought after. This amount will need to be known and whether it will pose a problem for the other vacant units and the amount of spaces that they will be seeking at the time of occupancy.

This office will complete its review upon submission of the above referenced information.

If you or the board have any questions concerning this information, do not hesitate to contact his office.

A communication dated October 16, 2006 was received from Edmund P. Tarallo, Planning Director, as follows:

Re: Joseph A. Pecora, Pecora Contracting Co., Inc. – 5 Crescent Ave. Unit 6 – To allow for accessory outside parking of commercial motor vehicles or contractor's equipment

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on October 3, 2006, the Board voted to forward a favorable recommendation to the City Council on the Special Permit request to allow for accessory outside parking of commercial motor vehicles or contractor's equipment at 5 Crescent Avenue Unit 6 subject to the following conditions:

1. That the petitioner shall be limited to the outside parking of not more than three commercial motor vehicles or contractor's equipment on the site.
2. That said vehicles or equipment shall be parked in the four most southwest spaces on the lot.
3. That all vehicles stored on the site shall be registered in the City of Woburn.

If members of the City Council have any questions or concerns regarding the foregoing recommendation, please feel free to contact me.

Sincerely, s/Edmund P. Tarallo, Planning Director

On the petition by HPH Realty, LLC, 9 North Maple Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.57b and Section 8.3.2 of the 1985 Woburn Zoning Ordinances, as amended, so as to allow for the parking of commercial vehicles on the property at 3 Oakland Street and the abutting lot identified on Assessors Maps 9-6-2 and 9-6-1. PUBLIC HEARING OPENED. A communication dated October 31, 2006 was received from Edmund P. Tarallo, Planning Director as follows:

Re: HPH Realty, LLC – 3 Oakland St. and abutting lot – To allow for parking of commercial vehicles on the properties

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on October 24, 2006, the Board voted to forward a favorable recommendation to the City Council on the Special Permit request to allow for parking of commercial vehicles at 3 Oakland Street in accordance to the parking plan dated April 16, 2006 revised October 2, 2006 subject to the following conditions:

1. That the existing water and sewer service connections be approved by the City Engineer;
2. That the detention basin shall have an overflow connection as approved by the City Engineer; and
3. That the Planning Board shall approve the landscaping plan and shall retain jurisdiction over the landscaping.

If members of the City Council have any questions or concerns regarding the foregoing recommendation, please feel free to contact me.

Sincerely, s/Edmund P. Tarallo, Planning Director

COMMITTEE REPORTS: None.

CITIZEN'S PARTICIPATION: None.

NEW PETITIONS:

Petitions for renewal of First Class Motor Vehicle Sales Licenses by: Lannan Buick, Pontiac, GMC, Inc., 399 Washington Street; Lannan Chevrolet-Olds, Inc., 40 Winn Street; M&L Transit Systems, Inc., 60 Olympia Avenue; Woburn Foreign Motors, 394 Washington Street.

Petitions for renewal of Second Class Motor Vehicle Sales Licenses by: Capelo's Auto Service, Inc., 22 Winn Street; Francis Garbino dba Tom's Auto Body, 10R Green Street; George J. Hamilton dba George's Auto Body, 19 Jefferson Avenue, Unit C; J.C. Auto Sales, 84-86 Winn Street; Oliver McDermottroe and Bridget McDermottroe dba McDermottroe Auto, 229 Lexington Street; Robert McSheffrey dba Bob McSheffrey Auto Sales, 306 Montvale Avenue; McSheffrey Auto Sales, Inc., 878-880 Main Street; Kenneth L. O'Connor dba City Line Motors, 30 Rear Torrice Drive; Donald J. Socorelis dba Woburn Glass Co., 243 Main Street; Woburn Gas & Service, Inc., 545 Main Street.

Petition by National Development Acquisitions LLC, c/o National Development of New England, 2310 Washington Street, Newton Lower Falls, Massachusetts 02462 to further amend the Zoning Map of the City of Woburn as follows: By amending the present zoning district of a certain parcel of land containing approximately 5.00 acres of land at 112 Commerce Way identified on Woburn Assessors' Map 10, Block 01, Lot 02 from the IP-2 zoning district to the B-I zoning district.

Petition by Nodraer Realty Corporation, 120 Commerce Way, Woburn, Massachusetts 01801 to further amend the Zoning Map of the City of Woburn as follows: By amending the present zoning district of a certain parcel of land containing approximately 3.42 acres of land at 120 Commerce Way identified on Woburn Assessors' Map 10, Block 01, Lot 03 from the IP-2 zoning district to the B-I zoning district.

COMMUNICATIONS AND REPORTS:

A communication dated November 7, 2006 with attachments was received from Joanne Collins, Director, Woburn Council on Aging, including a copy of the minutes of the October Council on Aging meeting and the October Director's Report.

A communication dated October 17, 2006 was received from Charles L. O'Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

In accordance with Massachusetts General Laws Chapter 90, Section 20A½, I am submitting a report to you on the parking violations in the City of Woburn for the period ending September 2006: number of tickets issued 1,362, number of tickets paid 1,239, number of hearings scheduled 663, number of tickets voided or dismissed 147, number of tickets outstanding 290, number of tickets issued by motorcycle officers 0, total dollar amount collected and turned into the Treasurer's Office \$53,860.60. There exists a backlog of 4,824 tickets for 1982 through 2005. Demands will be sent out until all tickets have been cleared. Parking violations turned over to Handicap Commission to date \$11,600.

Respectfully submitted, s/Charles L. O'Connor, Parking Clerk City of Woburn

A communication dated October 2, 2006 was received from Katherine P. Craven, Executive Director, Massachusetts School Building Authority, 3 Center Plaza, Suite 430, Boston, Massachusetts 02108 advising the city of the final audit results and final grant payment for the Malcolm White School project, that the city received a total grant from the Massachusetts School Building Authority (MSBA) in the sum of \$7,626,422.00 on October 2, 2006 on a total eligible project cost of \$12,212,343.00, that the grant represents the MSBA share of 61.74% of the final eligible audited project costs, and that the audit results are final and are not subject to further review or adjustment.

A communication dated October 19, 2006 was received from Luisa Paiewonsky, Commissioner, MassHighway in response to a communication from the City Council relative to sound barriers and setting forth the policy of MassHighway relative to sound barriers.

A communication dated October 25, 2006 was received from Attorney Joseph Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Petitioner of 325 Washington Street LLC, 325 Washington Street, Woburn, Massachusetts

Dear Mr. Campbell:

Please be advised that I represent 325 Washington Street LLC. As you know, on June 8, 2006 the City Council granted a special permit to allow for a Dunkin Donuts satellite facility within the existing gasoline station at 325 Washington Street, Woburn, Massachusetts as well as an alteration of the existing pylon sign.

Condition 9 of the special permit states: "That parking delineation and direction turn arrows as indicated on the site plan shall be installed in thermo-plastic". My client has been informed by U.S. Seal-Coat that thermo-plastic lines and markings are not recommended on Seal-Coat products since they do not bond properly to the latex base of the sealcoat. As a result, my client cannot comply with this condition and respectfully requests that the City Council allow for a minor modification to the special permit by eliminating the reference to "thermo-plastic" in Condition number 9. This matter has been reviewed by Jay Corey, City Engineer, who indicated that he would be forwarding a memorandum to the City Council agreeing that the thermo-plastic striping will not adhere to the sealcoated blacktop and that he recommends removing this requirement from Condition 9 of the special permit.

I have enclosed herewith a copy of the correspondence from U.S. Seal-Coat in connection with the thermo-plastic materials. If you have any questions or need any further information please do not hesitate to contact me, Thank you.

Very truly yours, s/Joseph R. Tarby III

A copy of a communication with attachments dated October 24, 2006 from Attorney Mark J. Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 to Alderman Scott Galvin was received as follows:

Re: 434 Main Street

Dear Alderman Galvin:

Enclosed, please find a letter from Christopher Mulhern, architect for Jerry Capelo, explaining that the access issue has to be resolved prior to repairs commencing. I have forwarded this letter, and the enclosed rendition, to the WRA in hopes of obtaining any assistance they can provide. Request is made to continue generally the nuisance petition with the understanding that Mr. Capelo provide, through my office, periodic updates regarding the approval process.

Thank you for your cooperation and please call with any questions.

Sincerely, s/Mark J. Salvati

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

RESOLVED That His Honor the Mayor instruct the Superintendent of Public Works to install granite curbing, concrete sidewalks and to pave side to side the entire length of Wade Avenue.

s/Alderman Dwyer

RESOLVED That His Honor the Mayor instruct the Superintendent of Public Works to install new granite curbing and cement sidewalks on Highland Street from Mount Pleasant Street south to Green Street.

s/Alderman Gately

RESOLVED That His Honor the Mayor instruct the Superintendent of Public Works to install new granite curbing in front of 72 Garfield Avenue from the driveway entrance at 70 Garfield Avenue south to the intersection of Fowle Street.

s/Alderman Gately

RESOLVED That the job description for the position of municipal infrastructure inspector for the Commerce Way/Wilmington waterline project shall be as follows:

At least a minimum of five (5) years experience in the underground construction field or equivalent experience or education; must be a Woburn resident; shall work with the Department of Public Works, the City Engineer and Woburn Business Association to oversee the entire project from Commerce Way through Presidential Way from the Wilmington line to Mishawum Road as inspector of the waterline pursuant to Title 13 of the 1989 Woburn Municipal Code, as amended; shall work with the Woburn Business Association and businesses to be affected by the project notifying them of the work in progress ensuring minimal impact on the businesses; shall make sure that the entrances and exits to the businesses in the affected area are open so that workers can gain access and deliveries can be made; shall ensure that the road is free of debris and material nightly for public safety; shall ensure that proper

barricades and signage and the appropriate police protection is provided; shall ensure that any damage to underground utilities are repaired in a proper and timely manner; shall take occasional photographs of the project with a report to the City Council on a monthly basis; that upon any dewatering of the excavation to ensure wetlands protection by using silt fencing and hay bales around any catch basins or drain outlets; and shall work with the Wilmington site project manager to ensure proper protection of the real estate and property of Woburn businesses and of the municipality's infrastructure system.

s/Alderman Gately

Motion made and 2nd to ADJOURN.